

REMARKS

Entry of the present amendment and favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, independent claims 1 and 5 have been revised so as to emphasize that the polyamide layer and the other polymer layer are "coextruded". Support for this revision can be found on page 3, lines 4-15 of the originally filed specification.

In addition, claim 1 has been amended so as to emphasize the greater production speed achieved by the claimed process as compared to the production speed of a comparable multilayer film having a non-branched polyamide as the polyamide layer. Support for such a revision can be found on page 5, lines 26-30. Claim 6 is new and defines such further production speed as being 2 to 4 times greater as disclosed at page 5, line 28.

Thus, following entry of this amendment, claims 1-6 will remain pending herein.

2. Response to 35 USC §103(a) Rejection

The only issue remaining to be resolved in this application is the Examiner's rejection of prior claims 1-5 under 35 USC §103(a) as allegedly being "obvious", and hence unpatentable, over Nijenhuis et al in view of Van Marcke.

In this regard, applicants note that the Examiner has apparently dismissed the prior arguments of record vis-à-vis the increased production speeds achieved when coextruded multilayer flat films are produced by the process of the present application since "...no limitations regarding 'production speeds' are found in the [pending] claims." (Official Action at page 4, paragraph 17, lines 2-3.) By way of the amendment instructions above, however, the pending independent process claim 1 herein requires

the coextrusion of the claimed multilayer film and also require that the step of coextruding the polyamide layer and a layer of another polymer is practiced at a production rate that is greater than a production rate of a comparable multilayer film having non-branched polyamide as the polyamide layer. Thus, this criticism is mooted.

As noted during prosecution to date, Nijenhuis does not relate to a multilayer flat film nor to a process of making a multilayer flat film, let alone that branched polyamides allow higher production speeds as evidenced by the present examples (see Examples I-III of the present application on page 7). A person of ordinary skill in the art, wishing to increase the production speed of making multilayer flat films would therefore have no incentive to employ the branched polyamide as disclosed by Nijenhuis as Nijenhuis is silent about multilayer flat films and their methods of production.

Marcke discloses a laminated sheet of polyamide and polyethylene. However, nowhere is production speed mentioned or suggested, let alone that replacement of the polyamide by *branched* polyamide would allow for higher production speeds.

It would therefore most certainly not be obvious for an ordinarily skilled person in the art to try to employ a branched polyamide according to Nijenhuis et al so as to increase the production speed in the process for producing a multilayer flat film. Nor would there be a reasonable expectation for success as nowhere is it mentioned in the art of record that a branched polyamide is capable of increasing the production speed.

Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

DE KROON ET AL.
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April 24, 2009

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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